

PROBATE CALENDAR NOTES

January 11, 2019

8:30 a.m., Department 40

UPDATED January 10, 2019, 1:15 p.m.

The following are the Probate Calendar Notes for the probate calendar set for hearing January 11, 2019, 8:30 a.m., in Department 40, Commissioner Michael A. Jacques , presiding. Department 40 is located at the Hon. Howard G. Gibson Courthouse, 10820 Justice Center Drive, Roseville, California.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Pursuant to Local Rule 80.1.4, these calendar notes are not a tentative ruling on the merits of any matter before the court. Updated calendar notes will ordinarily be posted on the court day prior to the calendar, but may be posted at any time. If you have questions regarding the calendar notes, please contact the probate research attorney at (916) 408-6119 after checking for updated notes. Do not contact Department 40 directly.

Telephone appearances for this calendar are governed by Local Rules 20.8 and 80.1.2 (effective July 1, 2014). More information is available at the court's website, www.placer.courts.ca.gov. For assistance, please contact the Civil Division.

NOTICE OF CALENDAR CHANGE

The probate calendar has moved to Fridays at 8:30 a.m. in Department 40.

Please contact the clerk with scheduling questions.

1. S-PR-0006863 Nute, Jean K. - In Re the Estate of

It is recommended estate administration be continued for an additional twelve months and that the court set another status review hearing in January 2020.

2. S-PR-0007101 Julian G Miguel Trust; In re the

It is recommended the motion for assignment order be granted as prayed. Notice filed November 30 includes an erroneous tentative ruling advisement: tentative rulings are not issued for matters on the probate calendar, Local Rule 80.1.4.

3. **S-PR-0008216 Schusteritsch, John Jerome; In re the estate of**

Amended petition for final distribution is recommended for approval as prayed.
4. **S-PR-0008531 Bragg, Gerald Stanford; In re the estate of**

Petition for final distribution is recommended for approval as prayed.
Note: Revenue & Taxation Code section 19513 was repealed effective January 1, 2014.
5. **S-PR-0008806 Marr Fam Trust; In re the**

Appearance is required for hearing on petition to remove trustee.
Petition to remove trustee is recommended for approval.
6. **S-PR-0009034 Josefina S. Guiuan Liv Trust; In re the**

On the stipulation of counsel, it is recommended the trust petition be continued to June 14, 2019, 8:30 a.m., in Department 40.
7. **S-PR-0009158 Arthur T de Oliveira Rev Trust; In re the**

Appearance is required for status hearing on competing trust petitions.
Current status is needed.
8. **S-PR-0009201 Wait, Andrew Lasse - In Re the Estate of**

Spousal property petition is recommended for approval as prayed.
9. **S-PR-0009252 Hascher, Karl-In Re the Estate of**

Petition for final distribution is recommended for approval as prayed.
10. **S-PR-0009325 Sharon A McClurg Rev Liv Trust; In re the**

Appearance is required for continued hearing on trust petition as amended.
Appearance is required for hearing on motion to compel production of documents.
No tentative ruling is provided, Local Rule 80.4.1.
11. **S-PR-0009385 Melvin L Vaughn Liv Trust; In re the**

Appearance is required for continued trust hearing.
Missing notice of hearing. Missing 30 days' notice of hearing to trustee, Prob.C. § 17203.
Missing copy of subject trust.
Current status is needed.

12. S-PR-0009462 Anthony Anysenko Irrev Settlement Trust; In re the

Appearance is required for trust account hearing.

Court determination needed as to possible conflicting provisions at Art. III, ¶¶ 2a and 2d; and Art. IV, ¶ 1a, as described in petitioner's response to calendar notes.

13. S-PR-0009466 Waggoner, Emily H - In Re Estate of

New notice of hearing is needed: notice filed November 19 omits required ¶ 5 for IAEA powers.

New publication of notice is needed: proof of publication filed December 21 omits required ¶ 5 for IAEA powers.

Missing service of notice of hearing to personal representatives of the estates of Mary Whittman aka Waggoner, Noeline Eickhoff, and Daniel Pera.

Missing proof of will. Will is not self-proving: witnesses did not execute a declaration (C.C.P. § 2015.5) or affidavit (C.C.P. § 2003).

Missing waivers of bond by James Waggoner and by personal representatives of the estates of Mary Whittman aka Waggoner, Noeline Eickhoff, and Daniel Pera.

Revised proposed orders and letters are needed: petitioner, if appointed, may serve only as administrator with will annexed. Petitioner is not named in the will as an executor.

14. S-PR-0009467 Lockman, William Kenneth - In Re Estate of

Petition to administer estate is recommended for approval as prayed.

15. S-PR-0009468 Benbow, Standish R. - In Re the Estate of

Court determination needed: proofs of will filed January 10 omit required Attachment 1 (copy of will to which proof relates).

16. S-PR-0009482 McCormick, Robert Ross - In Re Estate of

Missing waivers of bond by Victor McCormick, Laura McCormick, Karen McCormick, and personal representative for the estate of Kenneth McCormick (or allegations showing why personal representative waiver should not be required).

17. S-PR-0009485 William & Gwendolyn House Fam Liv Trust; In re the

Petition to modify irrevocable trust and for construction of trust terms is recommended for approval. Note: the prayer for relief does not include a request for construction of trust terms (see Petition, page 10 (unnumbered) at 12-15). However, the petition and the consents are clear in requesting a determination that William J's interested vested prior to his death and is now payable to his estate.

18. S-PR-0009486 Michael P Ahern & Nancy I Ahern Rev Liv Trust; In re the

Petition to determine trust property is recommended for approval as prayed.

Although the Notice of Errata filed January 8 incorrectly refers to page 2, line 12 of

the petition (which reads only "Facts"), it appears minimally sufficient to clarify that the subject brokerage account is account -6512.

19. S-PR-0009501 Lewis, Donna Jean - In Re Trust of

Appearance is required for hearing on trust petition.

Note: this is a trust proceeding, not a decedent's estate proceeding.

20. S-PR-0009502 Joyce A Crowley Liv Trust; In re the

Missing notice of hearing in the form required by Prob.C. § 1211. Missing use of mandatory Judicial Council form notice, C.R.C. 7.101. Notice filed November 28 includes an erroneous tentative ruling advisement: tentative rulings are not issued for matters on the probate calendar, Local Rule 80.1.4.

Missing service of notice of hearing to settlor's grandchildren who are beneficiaries under the trust as amended, Prob.C. § 851(b)(3).